

**Idaho Fish and Game Commission  
Quarterly Meeting July 12-14, 2006  
Idaho Falls, Idaho**

**July 12, 2006**

Commissioners Cameron Wheeler, Wayne Wright, Gary Power, Tony McDermott and Director Huffaker participated on a field trip on the South Fork of the Snake River.

**July 13, 2006**

Chairman Wheeler called the meeting to order at 8:00 a.m. Commissioners Wright, Power, and McDermott, and Director Steve Huffaker were present. Commissioner Irby was excused. Newly appointed Commissioner Randy Budge was not able to attend due to prior commitments. The replacement Commissioner for Region 3 has not been appointed at this time.

Chairman Wheeler commented that the float trip on the South Fork was a good experience, and it gave the other Commissioners an opportunity to see the South Fork and its unique beauty.

**MISCELLANEOUS**

**Agenda Changes**

Agenda item # 9 will be moved to Friday. As time allows, other agenda changes may be made to shorten up the schedule for Friday.

**DIRECTOR'S REPORT**

Director Huffaker referenced the Department updates included in the Commission briefing books. The Director reported that his schedule for the rest of the month is full. He will be attending the WAFWA conference in Bismarck, SD July 21-27. Director Huffaker extended an invitation to Commissioners to attend the conference. Commissioner McDermott will attend the conference, and will replace former Commissioner Watts to serve as the representative on the WAFWA Commissioner Committee. Commissioner Wright will continue to serve as the alternate.

The Director reviewed potential future workshop topics with the Commission. It was decided that the workshop schedule will be as follows:

**1. November Meeting**

Hunting Methods of Take Technology including  
let- off weights on bows, definition of a muzzle loader and electronic sites.

**2. January Meeting**  
Outfitters and Guides

**3. Spring Workshop**  
Anandromous Fish

Due to scheduling conflicts; the Commission changed the November 15-17, 2006 meeting dates to November 1, 2, and 3 in Lewiston.

**MISCELLANEOUS**

**Commission Reports**

Salmon Region:

Commissioner Power reported that the Moen Property acquisition is finished. Crews are working on completing the fencing. The biggest issue is the irrigation; a gravity feed ditch may be put into the sprinkler system. This part of the river provides 60 % of the Chinook spawning. If they can do away with a couple of the diversions that could totally block the stream, it will allow for more fish passage upstream. Low activity from the Enforcement standpoint because the water levels have been high and rivers have been tough to fish.

Panhandle Region:

Commissioner McDermott reported that the Kootenai River, because of poor weather forecasting, excessive snow in Canada, and heavy rains in June was 2 feet higher than it had ever been since the Libby Dam went in. This created favorable spawning and rearing conditions for the Kootenai River white sturgeon. The Farragut range lawsuit has been pushed back to December. Plaintiffs believe they have identified a safety issue at the range. Department staff is looking into this, and a military range expert and the NRA consultant will assess the safety issues.

IDFG continues to work with ITD, University of Idaho, USFWS and the Forest Service to assess wildlife movement across Highway 95 north of Bonners Ferry. Biologists have trapped 19 black bears and 2 grizzlies, and are monitoring these bears with GPS collars, which provide real-time data on the whereabouts and movement of bears. Commissioner McDermott spent a day with the U of I student who is conducting the bear study.

Magic Valley Region:

Commissioner Wright stated that the Region continues to work on the Travel Plan with the Forest Service. Official scoping will start in mid-July.

Regional staff is continuing to work on developing a new Wildlife Overlay for Blaine County. This will be a prototype tool for other Planning and Zoning entities across the State.

Work with the Jarbidge and Shoshone Basin sage-grouse local working groups continues to be a priority for wildlife staff. This study should be available by the end of August. Research biologists continue to monitor 27 radio-marked sage-grouse chicks used for the study in Browns Bench.

Plans for the Cottrell Wind Farms continue to move forward with the BLM working cooperatively with the Department to design studies to measure the impacts of wind-power generation on wildlife.

Wildlife staff is gearing up for bighorn sheep surveys in the Jarbidge and Bruneau canyons with the survey being completed by July 20<sup>th</sup> provided the Air Force approves the timing of our flights in restricted air space.

Commissioner Wright reported that there is a lot of water in the Magic Valley and because of that, the Little Camas and Mormon Reservoirs have received twice the normal request of catchable-size rainbow trout to try and jumpstart those fisheries.

Staff has been actively testing wildlife for West Nile Virus with multiple samples taken from Gooding and Elmore counties that have tested positive. Personnel have been identifying mosquito habitat breeding areas to decrease the possibility of the virus becoming a real problem.

Regional Conservation Officer Gary Hompland and staff are working on identifying people who have dual resident licenses in several states, especially Utah and Idaho. The number is growing and the Department is starting to prosecute some of these individuals.

During the spring bear season, officers conducted an intensive examination of bear baits in Unit 43. In the last 2 years 17 baits have been identified. The most common violation results from placing bait too close to the road. Four written warnings were issued for violations in 2006.

#### Upper Snake Region :

Commissioner Wheeler reported that the trapping of the nuisance geese in the Region went well. Fifty geese were butchered and given to the needy. He would like to see the depredation number increased for domestic geese. Commissioner Wheeler made reference to the new bull elk mount in the meeting room. The mount is from a poaching case that Lew Huddleston worked on last year.

Commissioner Wheeler stated that it is a pleasure to work in this Region and you can see our best resource, which is the staff and the folks who work here in the Region. You can see their dedication and how they care about the resources and the public. Tex Creek is the number one priority for the Region in the management of mule deer, moose, and elk. The dynamics of Tex Creek has a lot to do with this area and how it is perceived.

#### Consent Calendar

06-51 Commissioner Wright moved and Commissioner Power seconded a motion **TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES OF THE MAY 17-19, 2006 MEETING.** The motion carried unanimously.

## **REPORTS**

### **Migratory Game Bird Options**

Terry Mansfield, Deputy Director gave an update forecast on waterfowl seasons (Appendix 39, Exhibit 70).

Most of the waterfowl harvested in Idaho are produced in Canada. Waterfowl nesting conditions in these breeding areas are good in 2006. The pond index increased 14% from 3.92 million in 2005 to 4.45 million in 2006. The number of mallards in these areas increased 8% from 6.76 to 7.28 million birds. Southern Alberta is especially important for breeding waterfowl that come to Idaho during the hunting season. Breeding mallards in Southern Alberta are up 34 %. We expect the liberal option and fully expect that the Pacific Flyway Council will select this option, and that the Federal Framework will authorize this option. This translates to a 107 day hunting season to include a youth waterfowl hunt weekend preceding the regular season. The Commission will take final action at the August 7-8, 2006 meeting in Boise.

### **Executive Summary Avian Influenza**

Deputy Director Mansfield gave a brief update on highly-pathogenic avian influenza (Appendix 39, Exhibit 71). Avian influenza is widely endemic in wild waterfowl and many other avian species. The emergence and spread of a Highly Pathogenic Avian Influenza H5N1 subtype in Asia in the past few years is of concern for both avian and human health. The Department is working on a plan; and has consulted with the Federal agencies, USFWS, and USDA; and is working with the Idaho Departments of Agriculture and Health Services. He noted the Department had the lead in putting together the final touches to the surveillance plan and preparing a response plan.

The Department will sample live birds and do some trapping in late August early September and will have up to date information in terms of prevalence if any of the highly-pathogenic Asian strain here in Idaho before the waterfowl season begins.

### **Update on Landowner Appreciation Program Pilot Project**

Jim Unsworth, Chief, Bureau of Wildlife, provided a summary report on where the Department is with Access Yes. From a citizen survey conducted in 2002, the Department identified that hunting and fishing access to and through private lands was highly important and they felt the Department had poor performance in this area.

The Commission Goal is to maintain and improve habitat and to increase sportsmen access. The Department has moved forward with the Access Yes Program and it has grown tremendously in the four years of the program. Funding has largely been from reallocating and reprioritizing license funds. We have also added the big game lottery tags to this process and this year a rollover from the secondary depredation expendable account.

The Department is looking for other forms of landowner compensation that are not necessarily dollars and is looking at what things would be attractive to landowners. There are a lot of other options such as technical service, labor, and habitat improvements. We need to balance what we do for landowners with what is acceptable to sportsmen.

Department staff met with focus groups in the Magic Valley Region last December. In general landowners felt we were doing a pretty good job, they did feel like some employees could benefit from training on how to deal more one on one with landowners and needs of landowners.

Some ideas for non dollar items that would help in encouraging landowners to participate in the Access Yes program were road improvements, cattle guards and hunter management programs. Sportsmen suggested more access and better habitat. They do not believe landowners should be allowed to sell tags. They did like the idea for increased enforcement and being able to get through private land to public land.

### **Continued Update on Landowner Appreciation Program Pilot Project**

Dave Parrish, Regional Supervisor, Magic Valley presented a power point presentation on the proposed Access Yes Pilot Project in the Magic Valley Region (Appendix 39, Exhibit 72). It is summarized as follows:

The Department is proposing to implement a three-year pilot project in 2007 combining aspects of the Landowner Appreciation (LAP) and Access Yes programs in the Magic Valley Region. It will be designed to increase public access to and through private land for hunting, fishing and trapping and to promote wildlife habitat enhancement by compensating willing landowners, regardless of the size of their holdings. The intent of the pilot project is to test new methods of landowner compensation that could potentially be used statewide to expand and increase the effectiveness of both the LAP and Access Yes programs. This update is to follow up on the Commission's August 2005 direction to the Department to look for new ways to encourage landowners to manage their land for the benefit of fish and wildlife while providing access to the public for hunting, fishing and trapping. This agenda item also is a progress

report on actions taken by the Department since the briefings provided on the subject at the November 2005 and January 2006 meetings.

The Commission has directed the Department to develop additional options for recognizing the value of private lands to fish and wildlife while encouraging landowners to provide public access on and through their property for hunting, fishing and trapping. Public access for these activities is a goal of the Department's Strategic Plan and reflects a high priority for the license buying public.

The Department has taken extensive public input on issues related to access for hunting, fishing and trapping in developing the Strategic Plan. The Commission has received recommendations from the Fish and Game Advisory Committee along with specific comments from the public over the last year related to both LAP and Access Yes during its public input sessions at regularly scheduled meetings. In addition, the Department hosted focus groups in the Magic Valley in 2005 to obtain input on LAP and related issues. Additional public and landowner input is needed to refine the proposed pilot project.

The Department recommends a more explicit description of the "problem" to set the stage for gathering additional public input regarding LAP and Access Yes. That step will include describing the value of fish and wildlife habitats on private lands in maintaining populations, demand for access and practical incentives for private landowners. With Commission concurrence, the Department proposes the following actions be taken prior to the November meeting to develop details of the proposed pilot project:

1. Clearly describe the problem to be addressed and increase public awareness of the goals and objectives of the pilot project;
2. Develop alternative forms of compensation for private landowners in exchange for public access and managing their land to benefit fish and wildlife;
3. Conduct additional moderated focus group meetings with landowners and license buyers to gauge acceptance of potential changes in LAP and Access programs;
4. Brief the Fish and Game Advisory Committee and obtain additional input from them on potential aspects of the pilot project and changes to the existing LAP and Access Yes programs; and
5. Identify potential rule changes that may be necessary to implement the pilot project.

This agenda item and recommendations are based on Commission direction. Department staff is seeking additional input and guidance from the Commission on the tasks to be completed prior to the November meeting in order to implement the pilot project in the Magic Valley in 2007.

06-52 Commissioner Wright moved and Commissioner Power seconded a motion **TO CONTINUE ACTIVE SUPPORT AT BOTH THE STATE AND THE REGIONAL LEVEL TO LOOK INTO THE POSSIBILITY OF IMPLEMENTING THE PILOT PROJECT IN THE MAGIC VALLEY NO LATER THAN JANUARY.** The motion carried unanimously.

## **FISCAL**

### **Preliminary FY08 Budget**

Jim Lau, Chief, Bureau of Administration, briefed the Commission on the FY08 Budget (Appendix 39, Exhibit 73).

Mr. Lau provided an update on the progress of the 2008 budget. He stated that this is not an action item and the budget has not yet been finalized; it is a report on work the staff has been doing up to this point. Staff was given guidance to bring back a budget that we would take to the Legislature that is a balanced budget without a fee increase. Program managers were asked to identify cuts that would be needed to those programs in order to bring in a balanced budget. Director Huffaker will present the FY08 budget to the management team in two weeks for review and comments. The budget will be presented to the Commission for their approval at the August 7-8 meeting. Commission discussion followed on alternative funding suggestions. The Budget is due September 1<sup>st</sup>.

Mr. Lau reported that staff is finishing the 2006 books and making the final adjustments this week. On a preliminary basis, it appears that actual revenue and expenditures are in balance for 2006. Total units sold for license and tag sales were down 1% and total revenue increased 8%.

Chairman Wheeler requested a report showing recruitment and retention for hunters and fishermen. Roger Fuhrman will prepare a report on recruitment and retention for the November meeting.

Chairman Wheeler requested a meeting of the full Commission to discuss the strategy for the Department fee increase proposal. The Department would like to have the sportsmen take the fee increase proposal to the Legislature. The Commission would like to discuss this strategy.

## **REPORTS**

### **Update on Angler Opinion Survey**

Scott Grunder, Native Species Coordinator briefed the Commission on the preliminary results from the statewide Angler Opinion Survey (Appendix 39, Exhibit 74).

In mid-May, the Department mailed out the Angler Opinion Survey to about 10,000 randomly selected resident and non-resident anglers across Idaho

seeking opinions about fishing opportunities and management direction for the upcoming 2007 to 2012 Fisheries Management Plan. Results from the opinion survey will significantly determine future statewide management direction. The Angler Opinion Survey is a significant part of the Department's public involvement process for updating its Fisheries Management Plan. Additionally, the public can provide written comment to the Department via conventional mail, electronic mail or at public scoping meetings held in each region. The plan will be presented at the November Commission meeting.

### **Spring and Summer Chinook Salmon Run and Fisheries Brief**

Virgil Moore, Fisheries Chief gave an update about the status of spring and summer Chinook fisheries and provided an update about the runsize of spring and summer Chinook.(Appendix 39, Exhibit 75).

The Department uses jack counts to predict the next years run. The jack numbers have been declining since 2004. Relationship of jacks to adults that return the following year is variable, but the 2006 jack count is a probable indicator of lower adult returns in 2007. Typically jack counts have a plus or minus 50% error bound on them. It gives us some general indication but not until the adults actually show up at Bonneville Dam do we have some sense of what the run size will be. Counting of spring and summer Chinook will end August 17<sup>th</sup>. The South Fork Salmon River summer Chinook fishery closes at the end of fishing hours on July 13<sup>th</sup>.

### **Mountain Whitefish in the Big Lost River**

Jim Fredericks, Regional Fishery Manager presented a power point presentation to the Commission on the Mountain Whitefish in the Big Lost River (Appendix 39 Exhibit 76).

Mr. Fredericks reported that is a topic of particular importance right now. It is a unique population and perhaps more importantly the Fish and Wildlife Service last month received a petition to have this population listed under the Endangered Species Act. You may hear more about this population.

Fishery surveys of the Big Lost River drainage in 2002 and 2003 indicated a significant decline in the mountain whitefish population, both in terms of density and distribution throughout the drainage. Because this population has been isolated for several thousand years, it has a high degree of genetic divergence from other mountain whitefish populations. IDFG began immediately working with stakeholders to identify factors limiting the population and implementing actions to improve distribution and abundance. We've assembled a stakeholder group including partner agencies, the Big Lost River Irrigation District, private landowners, county commissioners and Trout Unlimited to develop and implement a conservation and management plan.

In the Big Lost River drainage, regional staff has held public meetings and assembled a group of primary stakeholders to participate in planning and



implementation of conservation efforts. Local support for population surveys and conservation efforts has been very high

### **South Fork Snake River Yellowstone Cutthroat Trout Update**

Jim Fredericks, Regional Fishery Manager presented a power point presentation to the Commission (Appendix 39, Exhibit 77).

In 2003 the Commission approved rule changes on the South Fork of the Snake River to allow unlimited harvest of rainbow trout, and eliminate harvest of cutthroats, beginning in 2004. Concurrent to the rule change, we implemented an aggressive outreach campaign to encourage harvest of rainbow trout, and began working with the Bureau of Reclamation to implement flows beneficial to cutthroat trout. The 2005 population estimates suggest the program is working thus far. We've seen an increase in cutthroat abundance and a decrease in rainbow trout abundance.

Public involvement has been a key component of the South Fork cutthroat management program. An angler survey in 2003 indicated over 80% of respondents supported managing the river for cutthroat trout, even if it meant a decline in the rainbow fishery.

### **Wolf Management Update**

Jim Unsworth, Chief of Wildlife presented a power presentation to the Commission on Wolf Management (Appendix 39, Exhibit 78). Mr. Unsworth reported that since the Department has been in charge of wolf control actions the following actions have occurred:

- 18 Wolves have been taken
- 23 Sheep and cattle have been killed as of July 1
- Wildlife Services has controlled 9 animals that the Department Approved
- Under the 10J rule ranchers have killed 9 wolves

Chief Unsworth reported that 20 reproductive packs and 79 pups have been verified; and that the wolf population continues to increase. Carter Niemeyer has been hired to work statewide conducting monitoring and management. Paul Frame has been hired to work in the Clearwater and Panhandle, mostly to conduct monitoring. Jason Hussmen is stationed at Salmon and Michael Lucid is in Nampa.

The Department continues to work with the Forest Service to get permission to capture wolves in the Selway-Bitterroot Wilderness. Funding has been received from USFS to do some ground work in the Frank Church and has been started this year. Steve said that wolf management is going well and Steve Nadeau is doing a good job.

### **MDI Regional Report**

Daryl Meints, Regional Wildlife Manager presented a power point presentation on MDI in the Upper Snake Region to the Commission (Appendix 39, Exhibit 79).

The Mule Deer Initiative (MDI) provides the opportunity for the Department to actively promote actions that will improve mule deer numbers. This program has been in effect for several years and the Upper Snake Region has made significant progress in implementing programs to increase mule deer numbers. The Region will continue to maintain a general lion harvest, maintain coyote removal, allow for no antlerless harvest in units 66 and 69, bring elk population within objective, monitor the competition factor between deer and elk, continue to monitor populations, and make adjustments as necessary.

### **Shikar-Safari Club International**

Director Huffaker presented the Shikar Safari Club International Wildlife Officer of the Year for 2006 to Jon Heggen, Chief of Enforcement. This award goes to the Conservation Officer who in the view of the Department and his peers who have made the largest contribution to the conservation and wildlife through law enforcement activities.

### **OHV Enforcement, Including the IDFG Motorized Vehicle Rule**

John Hanson, Regional Conservation Officer presented a power point presentation to the Commission. (Appendix 39, Exhibit 80). The presentation provided an overview of OHV patrols, including joint patrols with the US Forest Service.

The Idaho Fish and Game Commission adopted rules regulating the use of motorized vehicles by hunters in some hunting units. The rules are in response to concerns expressed by many sportsmen about how the use of off-road vehicles can disrupt hunts and disturb other hunters. Other concerns include maintaining the "fair chase" ethic of hunting, and the potential vulnerability of game and resulting low buck:doe or bull:cow ratios. The rules are in response to many hunters, who, over the last 10 years, requested that something be done about the increase in off-road travel, particularly by ATV's during the hunting season. During public surveys, at public meetings, in the field, and throughout the Strategic Planning process OHV use was identified as an issue of major concern.

Mark Carson, District Conservation Officer briefed the Commission on the IDFG Motorized Vehicle Restriction Rule as follows:

The use of motorized vehicles by hunters as an aid to hunting is restricted in certain areas. The use of restriction is in addition to all federal, state and local laws, rules, regulations, ordinances and orders; including, but not limited to, any motorized vehicle licensing, registration, and permitting requirements and traffic laws. Hunters must comply with all motorized vehicle limits or prohibitions instituted by the landowner or land manager. Also, this use restriction is not an exception from, and is in addition to, the statutory prohibition against hunting from or by the use of any motorized vehicle set forth in Idaho Code Section 36-1101 (b)(1).

Officer Carson stated that one of the issues that Enforcement is continuing to deal with the last several years is the new motorized vehicle rule restriction. How hunters understand it and how the Department gets this information out so that everyone is talking about the same issue.

The easiest and most consistent response to hunter questions comes from the rule itself, which is very clear as to the permissible uses listed under the following exceptions:

- Are they a handicapped hunter with a valid permit?
- Are they retrieving game on a trail that is open to OHV's?
- Are they on private land with permission?
- Are they packing in a camp on a trail open for OHV use?
- Note: Persons may not hunt while packing camping equipment.

If the answer to these questions is NO, then go back to the IDAPA code where it states that: "Any other use by hunters is prohibited."

### **MICELLANEOUS**

**06-53 Commissioner Power moved and Commissioner McDermott seconded a motion TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345(1) (C) LAND ACQUISITION, AND (F) LITIGATION. The motion carried in a unanimous vote.**

No official action was taken during the Executive Session, which began at 2:45 pm and ended at 4:05 p.m.

### **Adjournment**

The meeting adjourned at 4:05 pm.

### **RULES**

#### **Public Hearing**

Chairman Wheeler called the meeting to order at 7:00 p.m. He welcomed the public and introduced Commissioners McDermott, Power, Wright, and Director Huffaker. Introductions of Department staff at the hearing followed.

Chairman Wheeler opened the hearing for public comment and stated the Commission would review the public comments Friday morning.

Mike Veile, Soda Springs, stated that he feels better about the Pilot Program knowing that the program will not be auctioning off any tags to fund Access Yes, and will not allow the direct sale or transfer of tags. He is grateful for these decisions for the program.

Mr. Veile feels that it is reasonable for landowners who have habitat to be awarded in some type of compensation such as a special tag pool and to regulate access to their property. If the landowner chooses to run an exclusive hunting club on their property that is their property right; but feels that their paying clients need to compete equally with the general public for those tags. He is against selling of the tags.

Robert Tieken, Blackfoot representing Blackfoot River Bowmen is against the sale or transfer of LAP tags. He feels we need to prevent LLC subdivision of private property to gain more LAP tags. Do not increase allowance of tags for LAP program. Need specific access rule for public access in the LAP program. He is concerned about the predator problem in the region and feels the elk numbers will be down this year. He is against high fenced hunting of farm raised cervids.

Nate Helm, Boise, Executive Director Sportsmen for Fish and Wildlife Idaho (SFW). Mr. Helm thanked past Commissioners Gibbs and Watts for their years of service on behalf of Idaho Sportsmen. Winter feeding: SFW feels that there is a conflict between the collection of the money for feeding big game and the demonstrated Department practice of opposing this program. SFW would like for the Commission to eliminate the feeding program and return the money to sportsmen, establish a feeding policy that utilizes the dollars when needed or feeding criteria is meant, and take overflow money and put it towards winter range protection. SFW requests that the Commission establish a consistent big game feeding policy that is utilized every time it is needed to ensure continued supplies of such wildlife for hunting and trapping. SFW is interested in hearing the proposals recommended by the Department regarding agenda item 20 Direction of Expenditure of Animal Control Board. SFW encourages the Commission to continue to make the MDI a top priority. Mr. Helm stated the landowners are critical partners in wildlife preservation, protection and perpetuation and management. SFW would like to see Technology Methods of Take for archery as a Commission Workshop. Mr. Helm briefly spoke on federal funding for the management of wolves and MOU between SFW and Blue Ribbon Collation. Mr. Helm expressed his thanks to Virgil Moore for his willingness to respond to questions and information when requested by SFW.

Jerry Jayne, Idaho Falls, serves on the Board of Directors for Idaho Environmental Council. Mr. Jayne's concerns are proposals for motors in

statutory wilderness areas, and proposals for the government killing of native wildlife species for no compelling reason.

Mr. Jayne is working to preserve the wilderness areas in Idaho and is opposed to helicopters landing in the Frank Church wilderness area to dart and collar wolves. The Idaho Council is opposed to the killing of one native species for the supposed purpose of increasing numbers of another native species, unless the latter is endangered, and elk are not.

Jerry Bullock, Blackfoot, and Vice President of Safari Club International  
Mr. Bullock is concerned with the changes to the LAP program. He does not agree with sale or transfer of tags. He feels this is a selling of our resources. He would like to see more attention given to aspen, public land and work with the Forest Service and BLM to improve the summer and winter ranges for feeding animals. SCI supports helicopter landing in wilderness areas to dart and collar wolves. Sportsmen need stand up for their rights.

JC Siddoway, St. Anthony, a sheep rancher is concerned with agenda item # 20 Direction of Expenditure of Animal Damage Control. He proposes that the excess money in the depredation fund to be split with the ADCB Districts and the Fish and Game Department, much like it is done with the original monies give to ADCB inline with the Idaho State Code.

The hearing ended at 7:55 p.m.

### **July 14, 2006**

Chairman Wheeler called the meeting to order at 8:00 a.m. Commissioners McDermott, Power and Wright were present, along with Commission Secretary Steven Huffaker.

## **MISCELLANEOUS**

### **Review of July 13 Public Comment**

Chairman Wheeler summarized the public comments noting that most of the discussion addressed the information process for Access Yes. He noted the proposed Pilot Program will go out for public review, is not a done deal and sportsmen will have a chance to review it and provide additional comments.

### **Hunter Education Instructor Awards**

Teri Bergmier, Hunter Education Coordinator, Southeast Region presented the "Continuing Heritage" award based on the 35,000 point level, to Peter Griffin of Pocatello.

### **Release of Bighorn Sheep Tags for Auction / Lottery**

The Idaho Fish and Game Commission is authorized by Idaho Code 36-408(5) to release a bighorn sheep tag for auction since 1988, and a bighorn sheep tag for lottery since 1992. Department proceeds from the auction tag are used to fund bighorn sheep research and management. Proceeds from the lottery tag help fund Department activities to resolving problems between wild and domestic animals. Foundation for North American Wild Sheep has been the conservation organization selected for marketing the tags.

Director Huffaker stated that the auction has brought in over \$2 million dollars to the Department for sheep management. The Foundation for North American Wild Sheep does an excellent job of administering the tag sales program. Last year the auction tag \$55,000 year before was \$180,000. The tags generate a lot of money that is dedicated to the Wildlife Health Lab and putting sheep on the mountain. Director Huffaker would ask that the Commission accept the Departments recommendation that we provide an auction and lottery tag for bighorn sheep as we have done in the past.

06-54 Commissioner Power moved and Commissioner McDermott seconded a motion **THAT THE COMMISSION ACCEPT THE STAFF RECOMMENDATION TO RELEASE BIGHORN SHEEP TAGS FOR AUCTION AND LOTTERY.** The motion carried in a unanimous vote.

### **Direction of Expenditure of Animal Damage Control Funds**

The Idaho Fish and Game Commission is obligated by Idaho Code 36-112 to appropriate \$100,000 annually to state Animal Damage Control Board for control of predatory animals and birds. In addition, Idaho Code 36-115 directs the department to appropriate funds in excess of \$750,000 in the expendable Big Game Depredation fund at year end, to Access Yes! and the Animal Damage Control Board. The first \$100,000 is intended for Access Yes! and any additional amount is to go to the Animal Damage Control Board.

Since 1997 the Commission has directed \$50,000 to be used for intensive coyote removal purposes in conjunction with the Southeast Mule Deer Ecology Project and the Mule Deer Initiative. The remaining \$50,000 has been directed to support Wildlife Services activities identified in the MOU between the Department and the Animal Damage Control Board.

Jim Unsworth, Chief, Bureau of Wildlife distributed a copy of current statute (Appendix 39, Exhibit 81) effective July 1<sup>st</sup> 2005 for Commissioner reference; and a draft letter for Commission approval with direction on allocation of funds(Appendix 39, Exhibit 82).

06-55 Commissioner Power moved and Commissioner McDermott seconded a motion **TO ACCEPT THE STAFF RECOMMENDATION DIRECTING THE EXPENDITURE TO ANIMAL DAMAGE CONTROL AND TO THE MULE DEER**

**INITIATIVE FOR THE EXCESS \$100,000.** The motion carried in a unanimous vote.

## **RULES**

### **Rule: Hunt of a Lifetime Minor Child**

Sharon Kiefer, Legislative Liaison, distributed a draft copy of proposed rule (Appendix 39, Exhibit 83).

Senate Bill 1391 was passed in the 2006 Legislative session effective July 1, 2006. The rule would give the Commission the authority to issue a free permit or tag to minor children with life threatening medical conditions to participate with a qualified organization who sponsors these types of activities. Hunt of a Lifetime is one of the key organizations that will be participating. The primary mission of Hunt of a Lifetime is to provide hunting and fishing activities to children who have a terminal illness.

06-56 Commissioner McDermott moved and Commissioner Wright seconded a motion **TO APPROVE THE STAFF RECOMMENDATION ON THE IMPLEMENTATION OF SENATE BILL 1391.** The motion carried in a unanimous vote.

## **LEGISLATION**

### **2007 Legislative Issues Update**

Ms. Kiefer reviewed dates on the Legislative calendar:

- August 4 Legislative Idea Forms are due to DFM
- September 22 Proposed Legislation is due to DFM – Legislation Proposal Form and Statement of Purpose/Fiscal Note
- October 31 Bills returned to agency for review and final changes

Legislative Proposals that the Department is working on:

- The Department is working with Legislative Services Office (LSO) to correct Legislation that was passed during the 2006 session that caused Department Hatchery workers to lose their Fair Labor Standards Act; Agriculture Farming Exemption. This means that the majority of hatchery staffs become covered by time and a half provisions of FLSA. This was an unintended consequence of the 2006 legislation and LSO has recognized this error and have the legal opinion they need to go back and correct. LSO will carry this Legislation.
- In discussion is to amend a portion of Section Code 36-1101 which is the description of a physically handicapped person for purposes of acquiring a

permit to hunt from motorized vehicles to match the IDFG Commission rule which describes a physically disabled person for purposes of acquiring a disability license.

- The Department is reviewing current Hunter Education fees and over all structure program and it's financial sustainability.

Ms. Kiefer stated that at their May Commission meeting the Commission requested that the Department investigate Land Divestment Authority relative to the Legacy Lands Concept. Deputy Attorney General Dallas Burkhalter and Sharon Kiefer conducted a general review of Idaho Statue per the request and found the following:

- Many agencies in addition to the Department of Lands have acquisition and exchangeable rate.
- State Parks and Recreation Department, and Fish and Game are examples of this.
- A state legislative model outside of the state land board authority that deals with divestment of land could not be found.

A legislative proposal to provide additional authority to the Commission to manage surplus property such as through sale would be considered very unique within state statue. Ms. Kiefer feels it would be preliminary to consider a legislative proposal by August 4<sup>th</sup> to facilitate the Commission divestment lands as a tool at this time until we have further development and can demonstrate the necessity of whatever tools we need for the Legacy Lands Concept.

Chairman Wheeler asked for Ms. Kiefer and Counselor Burkhalter to proceed with a draft for further development on the Legacy Lands Concept.

## **REPORTS**

### **Mule Deer Initiative Regional Report**

Terry Thomas, Regional Habitat Manager, briefed the Commission on the mule deer habitat in the Upper Snake Region (Appendix 39, Exhibit 84). The Mule Deer Initiative (MDI) provides the opportunity for the Department to actively promote actions that will improve mule deer numbers. This program has been in effect for several years and the Upper Snake Region has made significant progress in implementing programs to increase mule deer numbers.

Mr. Thomas stated that mule deer are most often associated with mid-seral stages and need lots of shrubs and forbs for their habitat and the Department is looking for ways to improve. The Department is working on the following projects:

#### Conservation Reserve Lands

- Emphasis has been on private lands, specifically enhancing CRP



- The Department looks for areas with high potential, such as aspen stand surrounded by CRP
- Work is done with the landowner and Farm Services Agency to enhance portions of the fields for the benefit of mule deer and upland birds

#### Winter Range Enhancements

- Winter wheat is a highly favored crop for mule deer.
- 400 acres of winter wheat in either green leaf or standing grain at any given time and is very attractive to the deer
- Planted over 50,000 shrubs
- Aspen has been noted to be extremely valuable habitat for mule deer
- Aspen habitat has declined by as much as 67 % in Eastern Idaho due to lack of fire
- Aspen Management on WMA's
- Working with Forest Service on the development and implementation of aspen projects from Henry's Lake to Dubois to Bear Creek
- Southeast Region local Aspen group on Aspen management
- Educate the public about aspen issues

### **MISCELLANEOUS**

#### **Additional Public Comments**

Mark Bell, Idaho Sportsmen's Caucus Advisory Council (ISCAC) gave an update on what the organization is about and what they are doing. Currently ISCAC has 26 registered sporting groups throughout all of Idaho. The ISCAC mission statement is to protect and improve Idaho's wildlife heritage of hunting, fishing, and trapping, for present and future generations by:

- Providing an organization where Idaho's sportsmen's organizations can come together to seek consensus on issues important to sportsmen.
- Providing education to the Idaho sportsmen's organizations, the Idaho Legislature and other governmental entities on sportsmen's issues.
- Being an information resource to the Legislature and other governmental entities on issues, legislation and rules affecting Idaho's wildlife heritage of hunting, fishing and trapping.

#### **August 7- 8 Meeting**

Commission discussion followed regarding the August 7-8<sup>th</sup> meeting in Boise. A budget information workshop for Commissioners will begin at 1:00 p.m. on the 7<sup>th</sup>. A public meeting will be held at 7:00 p.m. August 7<sup>th</sup> for waterfowl regulations comments. The regular meeting will begin at 8:00 a.m. on August 8<sup>th</sup>.

#### **Adjournment**

The Commission meeting adjourned at 9:30 a.m.

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Cameron Wheeler, Chairman  
Secretary

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Steven M. Huffaker,